



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mountain-Prairie Region

IN REPLY REFER TO:

FWS/R6
ES

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228-1807

AUG 15 2000

D.C. "Jasper" Carlton, Director
Biodiversity Legal Foundation
P.O. Box 278
Louisville, Colorado 80027

Dear Mr. Carlton:

This acknowledges receipt of your petition dated July 11, 2000, to list the wolverine (*Gulo gulo luscus*) as threatened or endangered in its occupied habitat within its known historic range, in accordance with provisions in section 4 of the Endangered Species Act. Director Clark received the petition on July 14 and it has been assigned to Region 6 for response. We also have received your letter of July 17 that provided an editorial correction to page 1 of the petition.

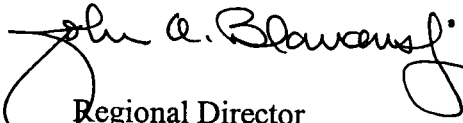
Section 4 of the Act provides that, to the maximum extent practicable, the Fish and Wildlife Service has 90 days to decide whether a petition contains substantial information that would indicate that the petitioned action may be warranted. However, because of staff and budget limitations we have developed a Listing Priority Guidance document that was published in the Federal Register on October 22, 1999 (64 FR 57114). I have enclosed a copy for your information. Processing of petitions are classified as a "Priority 4" activity, behind emergency listing (Priority 1), processing final decisions on proposed listings (Priority 2), and resolving the status of candidate species (Priority 3).

Your petition has been assigned to the Helena, Montana, Ecological Services Field Office. At this time, staff in that office are fully engaged in numerous other activities that preclude working on this petition, nor do we have listing funds currently available to initiate work on a 90-day finding. Congress has not yet passed the Department of the Interior Fiscal Year 2001 appropriation, which will contain our allocation for listing activities beginning in October. However, we anticipate that other higher priority listing activities, such as preparation of final listing rules, critical habitat determinations, and court-ordered due dates will consume our allocation. At this time, my staff is processing five final listing actions (Colorado butterfly plant, desert yellowhead, mountain plover, Holmgren's milk-vetch, and Shem milk-vetch), and administrative petition findings for three species received prior to the receipt of your petition (Bonneville cutthroat trout, and the sicklefin and sturgeon chubs). We will be initiating work on a proposed breeding range critical habitat determination for the piping plover northern Great

Plains population this next fiscal year, and the remainder of our Fiscal Year 2001 listing allocation will be used to accomplish several additional determinations that may be scheduled depending on the results of current settlement negotiations. This includes the 90-day finding for your Yellowstone cutthroat trout petition that we have agreed to send to the Federal Register by February 16, 2001.

We will endeavor to process a finding on your petition as quickly as possible. Thank you for your interest in conserving wildlife resources.

Sincerely,


Regional Director

Enclosure